



## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## NOVEL STRAINS OF THE BACILLUS SUBTILIS GROUP FOR FOOD FERMENTATION

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on \_\_\_\_\_ (if applicable)  
☒ was filed in the United States on March 30, 2001 as Application No. \_\_\_\_\_ (declaration not accompanying application)  
with amendment(s) filed on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
98118659.6	European Patent Office	02 October 1998	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

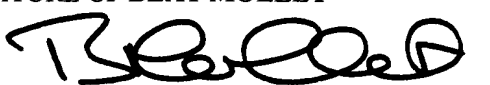

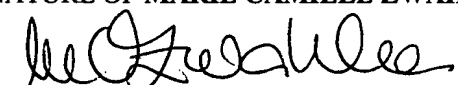
PROVISIONAL APPLICATION NUMBER	FILING DATE

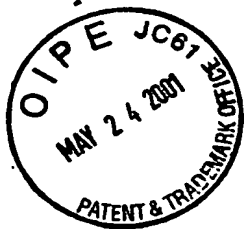
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP99/06818	September 15, 1999		X	

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2  0  1	FULL NAME OF INVENTOR	LAST NAME <b>MOLLET</b>	FIRST NAME <b>BEAT</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Lausanne</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>Switzerland</b>	
	POST OFFICE ADDRESS	STREET <b>Av. de l'Esplanade 9</b>	CITY <b>Lausanne</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>1012</b>
		SIGNATURE OF BEAT MOLLET 		DATE <b>April 17. 2001</b>	
2  0  2	FULL NAME OF INVENTOR	LAST NAME <b>PRIDMORE</b>	FIRST NAME <b>RAYMOND</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Lausanne</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>Great Britain</b>	
	POST OFFICE ADDRESS	STREET <b>126 route du Jorat, Vers-chez-les-Blanc</b>	CITY <b>Lausanne 26</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>1000</b>
		SIGNATURE OF RAYMOND DAVID PRIDMORE 		DATE <b>April 17. 2001</b>	
2  0  3	FULL NAME OF INVENTOR	LAST NAME <b>ZWAHLEN</b>	FIRST NAME <b>MARIE</b>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <b>Lausanne</b>	STATE OR FOREIGN COUNTRY <b>Switzerland</b>	COUNTRY OF CITIZENSHIP <b>Switzerland</b>	
	POST OFFICE ADDRESS	STREET <b>Av. de France 12</b>	CITY <b>Lausanne</b>	STATE OR COUNTRY <b>Switzerland</b>	ZIP CODE <b>1004</b>
		SIGNATURE OF MARIE CAMILLE ZWAHLEN 		DATE <b>April 17. 2001</b>	
2  0  4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 204		DATE	
2  0  5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 205		DATE	



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Beat MOLLET et al.

Application No.:

Group Art Unit:

Filing Date: March 30, 2001

Examiner:

For: NOVEL STRAINS OF THE BACILLUS  
SUBTILIS GROUP FOR FOOD  
FERMENTATION

Attorney Docket No.: 88265-4011

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci of Winston & Strawn, whose address is 200 Park Avenue, New York, NY 10166-4193 as its attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71. Please direct all correspondence for this application to the appointed attorney.

An assignment of the entire interest in the above-identified subject application:

- ☐ was recorded on \_\_\_\_\_ at reel/frame \_\_\_\_/\_\_\_\_.
- ☒ is submitted herewith for recording.

ASSIGNEE:

NESTEC S.A.

Signature:

Date of Signature:

Typed Name:

Position/Title:

Address:

Roman Vuille

Assistant Vice President

Avenue Nestlé 55

1800 Vevey

Switzerland

## ASSIGNMENT

WHEREAS, We,

**Beat MOLLET**, a citizen of Switzerland residing at  
Av. de l'Esplanade 9, 1012 Lausanne, Switzerland;

**Raymond David PRIDMORE**, a citizen of Great Britain residing at  
126 route du Jorat, Vers-chez-les-Blanc, 1000 Lausanne 26, Switzerland;

**Marie Camille ZWAHLEN**, a citizen of Switzerland residing at  
Av. de France 12, 1004 Lausanne, Switzerland

ASSIGNORS, are the inventors of the invention in **NOVEL STRAINS OF THE BACILLUS SUBTILIS GROUP FOR FOOD FERMENTATION**, for which we have executed an application for a Patent of the United States

- ☒ which is executed on even date herewith
- ☒ which is identified by Winston & Strawn Docket No. 88265-4011
- ☒ which was filed on March 30, 2001 as Application No.

WHEREAS, **NESTEC S.A.**, a Swiss corporate body having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

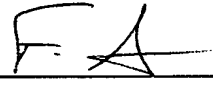
AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention.

IN WITNESS WHEREOF, the undersigned inventors have affixed their signatures.

17.04.2001   
Date Beat MOLLET

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me appeared **Beat MOLLET**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

17.04.2001   
Date Witness

17.04.2001   
Date Raymond David PRIDMORE

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me appeared **Raymond David PRIDMORE**, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

April 17 2001  
Date

Marie Camille ZWAHLEN  
Marie Camille ZWAHLEN

On this \_\_\_\_\_ day of \_\_\_\_\_, 2001, before me appeared  
**Marie Camille ZWAHLEN**, to me known and known to me to be the person of that name,  
who signed the foregoing instrument, and acknowledged the same to be his/her free act and  
deed.

17.4.2001  
Date

\_\_\_\_\_  
Witness